

§911.6

12 CFR Ch. IX (1–1–06 Edition)

(1) Whether and how the requested information is relevant to the purpose for which it is sought;

(2) Whether information reasonably suited to the requester's needs other than the requested information is available from another source;

(3) Whether the requested information is privileged;

(4) If the request is in connection with a legal proceeding, whether the proceeding has been filed;

(5) The burden placed on the Finance Board to respond to the request;

(6) Whether production of the information would be contrary to the public interest; and

(7) Whether the need for the information clearly outweighs the need to maintain the confidentiality of the information.

(d) *Disclosure of unpublished information by others.* When a person or entity other than the Finance Board has a claim of privilege regarding unpublished information and the information is in the possession or control of that person or entity, the Finance Board, at its sole discretion, may respond to a request for the information by authorizing the person or entity to disclose the information to the requester pursuant to an appropriate confidentiality order. Finance Board authorization to disclose information under this paragraph does not preclude the person or entity in possession of the unpublished information from asserting its own privilege, arguing that the information is not relevant, or asserting any other argument to protect the information from disclosure.

(e) *Notice to supervised entities and Bank members.* The Finance Board generally will notify a supervised entity or Bank member that it is the subject of a request, unless the Finance Board, in its sole discretion, determines that to do so would advantage or prejudice any of the parties to the matter at issue.

[64 FR 44106, Aug. 13, 1999, as amended at 65 FR 8258, Feb. 18, 2000]

§911.6 Persons and entities with access to unpublished information.

(a) *Notice to Finance Board.* Any person, including a current or former Finance Board employee or agent, or any entity, including a supervised entity,

Bank member, or government agency that receives a request for, or is served with a subpoena, order, or other legal process to disclose unpublished information by document or testimony, must immediately notify the Office of General Counsel.

(b) *Response of person or entity served with request.* Unless the Finance Board has authorized in writing disclosure of the requested information:

(1) A current or former Finance Board employee or agent or a supervised entity that must respond to a subpoena, order, or other legal process, must decline to disclose the requested information, citing this part as authority.

(2) A non-Finance Board person or entity may not disclose unpublished information unless:

(i) The requester has sought the information from the Finance Board under this part; and

(ii) After the Finance Board or the Department of Justice has had the opportunity to appear and oppose disclosure, a Federal court has ordered the person or entity to disclose the information.

(c) *Finance Board response.* If the Finance Board does not authorize in writing disclosure of the requested information, the Finance Board will provide a copy of this part to the person or entity at whose instance the process was issued and advise that person or entity or the court or other body that the Finance Board has prohibited disclosure of the information under this part. The Finance Board or the Department of Justice may intervene in the matter at issue, attempt to have the compulsory process withdrawn, or register other appropriate objections.

[64 FR 44106, Aug. 13, 1999, as amended at 65 FR 8258, Feb. 18, 2000]

§911.7 Availability of unpublished information by testimony.

(a) *Scope.* (1) The scope of permissible testimony is limited to that set forth in the written authorization granted by the Finance Board. The Finance Board may act to ensure that the scope of testimony provided is consistent with the written authorization.